

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 11, 2005 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation #05003

PROPOSAL: Vacate the old South 84th Street right-of-way west of the new alignment near the intersection with Highway 2.

LOCATION: North and south of the intersection of South 84th Street and Highway 2.

LAND AREA: Approximately 6.03 Acres.

CONCLUSION: The Appian Way annexation agreement contains provisions pertaining to the realignment of South 84th Street adjacent to it, including how new right-of-way is dedicated and how vacated right-of-way is to be disposed of. This request is consistent with it. Provided easements are retained to accommodate existing utilities and an adjustment is made to retain 70' of right-of-way east of centerline south of Highway 2, this request conforms to the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal descriptions.

RELEVANT HISTORY:

June 16, 2003 -ANN#02006; CZ#3373 for a change of zone from AGR to R-3 and O-3; PP#02016 creating 9 lots for residential development, 12 for office/commercial, and three outlots; and, UP#145 for 192,900 square feet of office and commercial floor area for Pine Lake Plaza were approved.

November 5, 2001 - ANN#01006 (annexing 245 acres into the City of Lincoln and included land on both sides of Highway 2 east of South 84th Street). The owner was required to enter into an annexation agreement with the City, which among other things addressed the relocation of South 84th Street); CZ#3320 changing the zoning on 98.8 acres east of relocated South 91st Street from AG to R-3; CZ#3285 changing the zoning on 146.3 acres between South 84th and relocated South 91st Street north of Highway 2 from AG to B-5; UP#140 for 825,400 square feet of commercial space, with the option to

expand to 940,000 square feet provided that the total p.m. peak hour trips does not exceed 2,925; and, PP#01006 for Appian Way Regional Center was approved for 28 commercial lots and 8 outlots all for Appian Way were approved.

UTILITIES: There are existing 24" and 48" water mains, and a 12" gas main in South 84th Street and easements must be granted to accommodate them. L.E.S. will require additional utility easements to accommodate future electrical facilities to serve the area.

ANALYSIS:

1. The South 84th Street realignment in this area is complete, and the street has been moved to the east approximately 150'. The old right-of-way is no longer needed for South 84th Street and is considered excess.
2. Provisions for both acquiring new right-of-way and disposing of the old relative to the South 84th Street realignment in this area were included in the annexation agreement associated with Appian Way. Andermatt (one of the signatories to the agreement and the developer of Prairie Lakes Shopping Center) agreed to dedicate the necessary right-of-way to accommodate the realignment south of Pine Lake Road, with the understanding that the old right-of-way would be vacated and that adjacent portions would be deeded to the corporation.
3. The petitions are submitted by four different adjacent property owners, and request that the right-of-way be vacated and deeded to them at no cost. The Law Department has confirmed that the terms of the agreement require the vacated right-of-way to be deeded at no cost to all adjacent owners.
4. Once vacated rights-of-way have been conveyed, Lincoln Municipal Code (LMC) Title 26 prohibits them from being reconveyed or devoted to a separate use unless it complies with all applicable requirements for lots within the zoning district in which the parcel is situated.
5. The use permits for both Appian Way and Pine Lake Plaza showed the future realignment of South 84th Street, and included the vacated right-of-way within the limits of the permits and as part of future lots. Those portions outside the boundaries of the use permits and proposed to be deeded to Brinkman and the 7th Day Adventist Church must be combined with other parcels to be developed in compliance with LMC.
6. Easements must be retained to accommodate existing water and gas mains, and to accommodate future electrical utilities to serve the area.
7. Public Works and Utilities notes that the amount of right-of-way to be vacated south of Highway 2 must be reduced to provide 70' of right-of-way east of the centerline .

The petition for this area must be revised to the satisfaction of Public Works and Utilities.

8. The petitioners are requesting that the City remove and dispose of the remaining hard surface across the area to be vacated. Public Works notes in their review that the City was not required to remove it as part of the annexation agreement, nor was removal part of the realignment project. The review also notes that removal should be at the cost of the parties acquiring the property.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL
AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 The petition to vacate South 84th Street south of Highway 2 must be revised to the satisfaction of Public Works and Utilities.
- 1.3 All required water main, gas main, and electrical utility easements shall be retained.

Prepared by:

Brian Will
Planner
April 27, 2005

**APPLICANT/
CONTACT:**

Charles Humble
301 South 13th Street
Lincoln, NE 68508
476-1000

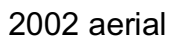
OWNER:

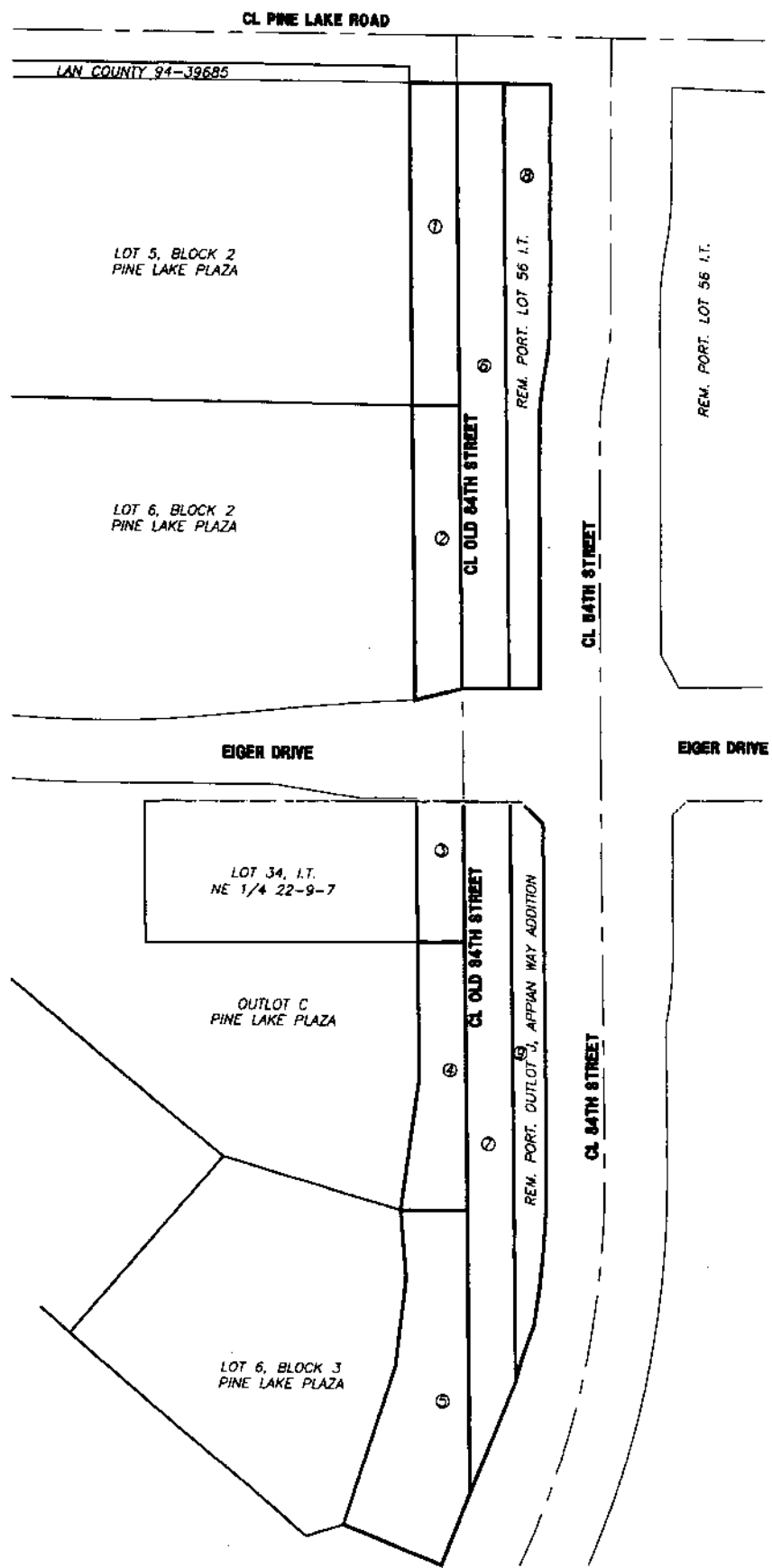
Eiger Corp.
1710 South 70th Street
Lincoln, NE 68506
484-9000

I.A.T., LLC
Stanley and Grace Portsche
5020 M Street
Lincoln, NE 68510

Bruce Brinkman
7201 South 84th Street
Lincoln, NE 68516
489-3314

Mid-American Conference Association of 7th Day Adventists
8307 Pine Lake Road
Lincoln, NE 68516
484-3000





MAR 17 2005

CL S. 84TH STREET



Scale: 1" = 100'

HWY NO. 2

OUTLOT B

OUTLOT C

APPIAN WAY REGIONAL CENTER
PHASE 2
2ND ADDITION

OUTLOT E

AMBER HILL
COURT

OUTLOT A

OUTLOT F

L=39.26'
Δ=4°50'15"
T=19.64'
R=465.00'
CB=S29°46'38"E
C=39.25'

SW COR NW 1/4
SEC. 23

S89°52'54"E
8.32'
S79°35'14"W
45.08'
2,417.18 sq.ft.
0.06 acres
S79°35'14"W
17.00'

93,086.70 sq.ft.
2.14 acres

6,117.33 sq.ft.
0.14 acres

7,893.12 sq.ft.
0.18 acres

613.59 sq.ft.
0.01 acres

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	81.24'	585.00'	07°57'24"	S10°59'01"E	81.17'
C2	81.31'	585.00'	07°57'49"	S18°56'37"E	81.24'
C3	40.22'	585.00'	03°56'23"	S24°53'43"E	40.22'
C4	54.43'	585.00'	05°19'51"	S29°31'49"E	54.41'

PARCELS # 12 - 16
ADJ. TO OUTLOTS A, B, C, E, F

84TH STREET VACATIONS
NEAR 84TH & HWY NO. 2 INTERSECTION

LINCOLN OFFICE
205 J. S. Box 6030
Lincoln, NE 68501
(402) 779-2200
www.hms.com



DATE
1" = 100'

DATE
04-11-05

JOB NO.
34-1858

SHEET NO.
1/6

**84TH STREET VACATIONS
HIGHWAY NO. 2 TO PINE LAKE ROAD**

PARCEL # 1

ADJACENT TO LOT 5, BLOCK 2, PINE LAKE PLAZA

A TRACT OF LAND IN THE EXISTING SOUTH 84TH STREET RIGHT OF WAY ADJACENT TO LOT 5, BLOCK 2, PINE LAKE PLAZA, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., THENCE S 00°40'41" E, ASSUMED BEARING, ALONG THE EASTERLY LINE OF SAID SECTION 22, A DISTANCE OF 50.01 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING S 00°40'41" E, ALONG THE EASTERLY LINE OF SAID SECTION 22, A DISTANCE OF 339.51 FEET; THENCE S 89°19'19" W, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5; THENCE N 00°40'41" W, ALONG THE EASTERLY LINE OF SAID LOT 5, A DISTANCE OF 340.23 FEET TO A POINT ON THE SOUTHERLY EXISTING 50.00 FOOT RIGHT OF WAY LINE OF PINE LAKE ROAD AND AT THE SOUTHEAST CORNER OF A TRACT OF LAND DEEDED TO LANCASTER COUNTY AND RECORDED AS INSTRUMENT 94-39685 IN THE LANCASTER COUNTY REGISTER OF DEEDS; THENCE S 89°51'10" E, A DISTANCE OF 50.01 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TRACT CONTAINS AN AREA OF 16,993.41 SQUARE FEET, 0.39 ACRES.

**84TH STREET VACATIONS
HIGHWAY NO. 2 TO PINE LAKE ROAD**

PARCEL # 2

ADJACENT TO LOT 6, BLOCK 2, PINE LAKE PLAZA

A TRACT OF LAND IN THE EXISTING SOUTH 84TH STREET RIGHT OF WAY ADJACENT TO LOT 6, BLOCK 2, PINE LAKE PLAZA, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., THENCE S 00°40'41" E, ASSUMED BEARING, ALONG THE EASTERLY LINE OF SAID SECTION 22, A DISTANCE OF 389.52 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING S 00°40'41" E, ALONG THE EASTERLY LINE OF SAID SECTION 22, A DISTANCE OF 300.29 FEET; THENCE S 76°06'38" W, A DISTANCE OF 51.36 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE N 00°40'41" W, ALONG THE EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 312.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE N 89°19'19" E, A DISTANCE OF 50.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TRACT CONTAINS AN AREA OF 15,308.05 SQUARE FEET, 0.35 ACRES.

**84TH STREET VACATIONS
HIGHWAY NO. 2 TO PINE LAKE ROAD**

PARCEL # 3

ADJACENT TO LOT 34, I.T., NE ¼ SECTION 22-9-7

A TRACT OF LAND IN THE EXISTING SOUTH 84TH STREET RIGHT OF WAY ADJACENT TO LOT 34, IRREGULAR TRACT, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., THENCE S 00°40'41" E, ASSUMED BEARING, ALONG THE EASTERLY LINE OF SAID SECTION 22, A DISTANCE OF 809.81 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING S 00°40'41" E, ALONG THE EASTERLY LINE OF SAID SECTION 22, A DISTANCE OF 149.30 FEET; THENCE S 89°19'19" W, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 34; THENCE N 00°40'41" W, ALONG THE EASTERLY LINE OF SAID LOT 34, A DISTANCE OF 150.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 34; THENCE N 89°52'25" E, A DISTANCE OF 50.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TRACT CONTAINS AN AREA OF 7,482.45 SQUARE FEET, 0.17 ACRES.

**84TH STREET VACATIONS
HIGHWAY NO. 2 TO PINE LAKE ROAD**

PARCEL # 4

ADJACENT TO OUTLOT C, PINE LAKE PLAZA

A TRACT OF LAND IN THE EXISTING SOUTH 84TH STREET RIGHT OF WAY ADJACENT TO OUTLOT C, PINE LAKE PLAZA, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., THENCE S 00°40'41" E, ASSUMED BEARING, ALONG THE EASTERLY LINE OF SAID SECTION 22, A DISTANCE OF 959.11 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING S 00°40'41" E, ALONG THE EASTERLY LINE OF SAID SECTION 22, A DISTANCE OF 283.88 FEET; THENCE S 89°19'19" W, A DISTANCE OF 70.95 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT C; THENCE N 07°50'08" E, ALONG THE EASTERLY LINE OF SAID OUTLOT C, A DISTANCE OF 141.50 FEET TO A CORNER OF SAID OUTLOT C LOCATED 50.00 FEET WESTERLY OF, PERPENDICULAR MEASUREMENT, THE EASTERLY LINE OF SAID SECTION 22; THENCE N 00°40'41" W, ALONG THE EASTERLY LINE OF SAID OUTLOT C, A DISTANCE OF 143.94 FEET TO THE SOUTHEAST CORNER OF LOT 34, IRREGULAR TRACT; THENCE N 89°19'19" E, A DISTANCE OF 50.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TRACT CONTAINS AN AREA OF 15,659.80 SQUARE FEET, 0.36 ACRES.

**84TH STREET VACATIONS
HIGHWAY NO. 2 TO PINE LAKE ROAD**

PARCEL # 5

ADJACENT TO LOT 6, BLOCK 3, PINE LAKE PLAZA

A TRACT OF LAND IN THE EXISTING SOUTH 84TH STREET RIGHT OF WAY ADJACENT TO LOT 6, BLOCK 3, PINE LAKE PLAZA, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., THENCE S 00°40'41" E, ASSUMED BEARING, ALONG THE EASTERLY LINE OF SAID SECTION 22, A DISTANCE OF 1,242.99 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 00°40'41" E, ALONG THE EASTERLY LINE OF SAID SECTION 22, A DISTANCE OF 299.54 FEET; THENCE S 22°07'35" W, A DISTANCE OF 81.93 FEET; THENCE N 67°52'25" W, A DISTANCE OF 112.31 FEET TO A CORNER OF SAID LOT 6 LOCATED 135.29 FEET WESTERLY OF, PERPENDICULAR MEASUREMENT, THE EASTERLY LINE OF SAID SECTION 22; THENCE N 18°08'56" E, A DISTANCE OF 177.89 FEET TO A CORNER OF SAID LOT 6 LOCATED 77.88 FEET WESTERLY OF, PERPENDICULAR MEASUREMENT, THE EASTERLY LINE OF SAID SECTION 22; THENCE N 06°48'10" E, ALONG THE EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 92.43 FEET TO A CORNER OF SAID LOT 6 LOCATED 65.85 FEET WESTERLY OF, PERPENDICULAR MEASUREMENT, THE EASTERLY LINE OF SAID SECTION 22; THENCE N 04°45'30" W, ALONG THE EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 71.70 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE N 89°19'19" E, A DISTANCE OF 70.95 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS AN AREA OF 31,859.80 SQUARE FEET, 0.73 ACRES.

**84TH STREET VACATIONS
HIGHWAY NO. 2 TO PINE LAKE ROAD**

PARCEL # 6

ADJACENT TO THE REMAINING PART OF LOT 56, I.T., NW ¼ 23-9-7

A TRACT OF LAND IN THE EXISTING SOUTH 84TH STREET RIGHT OF WAY ADJACENT TO THE REMAINING PART OF LOT 56, IRREGULAR TRACT, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., THENCE S 00°40'41" E, ASSUMED BEARING, ALONG THE WESTERLY LINE OF SAID SECTION 23, A DISTANCE OF 50.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 00°40'41" E, ALONG THE WESTERLY LINE OF SAID SECTION 23, A DISTANCE OF 639.80 FEET; THENCE N 89°19'19" E, A DISTANCE OF 50.00 FEET TO A CORNER OF THE REMAINING PART OF SAID LOT 56; THENCE N 00°40'41" W, ALONG THE WESTERLY LINE OF THE REMAINING PART OF SAID LOT 56, A DISTANCE OF 638.78 FEET TO THE NORTHWEST CORNER OF THE REMAINING PART OF SAID LOT 56; THENCE N 89°30'33" W, A DISTANCE OF 50.01 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS AN AREA OF 31,964.50 SQUARE FEET, 0.73 ACRES.

**84TH STREET VACATIONS
HIGHWAY NO. 2 TO PINE LAKE ROAD**

PARCEL # 7

ADJACENT TO THE REMAINING PART OF OUTLOT J, APPIAN WAY

A TRACT OF LAND IN THE EXISTING SOUTH 84TH STREET RIGHT OF WAY ADJACENT TO THE REMAINING PART OF OUTLOT J, APPIAN WAY ADDITION, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., THENCE S 00°40'41" E, ASSUMED BEARING, ALONG THE WESTERLY LINE OF SAID SECTION 23, A DISTANCE OF 809.81 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING S 00°40'41" E, ALONG THE WESTERLY LINE OF SAID SECTION 23, A DISTANCE OF 732.72 FEET; THENCE N 22°07'35" E, A DISTANCE OF 129.00 FEET TO THE SOUTHWEST CORNER OF THE REMAINING PART OF SAID OUTLOT J; THENCE N 00°40'41" W, ALONG THE WESTERLY LINE OF SAID REMAINING PART OF OUTLOT J, A DISTANCE OF 613.80 FEET TO THE NORTHWEST CORNER OF THE REMAINING PART OF SAID OUTLOT J; THENCE S 89°19'19" W, A DISTANCE OF 50.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TRACT CONTAINS AN AREA OF 33,662.85 SQUARE FEET, 0.77 ACRES.

**84TH STREET VACATIONS
HIGHWAY NO. 2 TO PINE LAKE ROAD**

PARCEL # 12

**ADJACENT TO OUTLOT F, APPIAN WAY REGIONAL CENTER
PHASE 2, 2ND ADDITION**

A TRACT OF LAND IN THE EXISTING SOUTH 84TH STREET RIGHT OF WAY ADJACENT TO OUTLOT F, APPIAN WAY REGIONAL CENTER PHASE 2, 2ND ADDITION, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., THENCE S 89°52'54" E, ASSUMED BEARING, ALONG THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 8.32 FEET TO THE EASTERLY EXISTING SOUTH 84TH STREET RIGHT OF WAY LINE AND THE BEGINNING OF A 585.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST; THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°54'12", AN ARC DISTANCE OF 121.53 FEET, THE CHORD OF SAID CURVE BEARS S 20°54'48" E, A DISTANCE OF 121.31 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 7°57'24", AN ARC DISTANCE OF 81.24 FEET, THE CHORD OF SAID CURVE BEARS S 10°59'01" E, A DISTANCE OF 81.17 FEET TO A POINT ON THE WESTERLY LINE OF SAID OUTLOT F; THENCE N 00°52'06" E, ALONG THE WESTERLY LINE OF SAID OUTLOT F, A DISTANCE OF 82.77 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT F; THENCE S 79°35'14" W, A DISTANCE OF 17.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TRACT CONTAINS AN AREA OF 613.59 SQUARE FEET, 0.01 ACRES.

**84TH STREET VACATIONS
HIGHWAY NO. 2 TO PINE LAKE ROAD**

PARCEL # 13

**ADJACENT TO OUTLOT A, APPIAN WAY REGIONAL CENTER
PHASE 2, 2ND ADDITION**

A TRACT OF LAND IN THE EXISTING SOUTH 84TH STREET RIGHT OF WAY ADJACENT TO OUTLOT A, APPIAN WAY REGIONAL CENTER PHASE 2, 2ND ADDITION, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., THENCE S 89°52'54" E, ASSUMED BEARING, ALONG THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 8.32 FEET TO THE EASTERLY EXISTING SOUTH 84TH STREET RIGHT OF WAY LINE AND THE BEGINNING OF A 585.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST; THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°56'23", AN ARC DISTANCE OF 40.22 FEET, THE CHORD OF SAID CURVE BEARS S 24°53'43" E, A DISTANCE OF 40.22 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 7°57'49", AN ARC DISTANCE OF 81.31 FEET, THE CHORD OF SAID CURVE BEARS S 18°56'37" E, A DISTANCE OF 81.24 FEET; THENCE N 79°35'14" E, A DISTANCE OF 17.00 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT A; THENCE N 00°52'06" E, ALONG THE WESTERLY LINE OF SAID OUTLOT A, A DISTANCE OF 81.93 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT A; THENCE S 79°35'14" W, A DISTANCE OF 45.08 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS AN AREA OF 2,417.16 SQUARE FEET, 0.06 ACRES.

**84TH STREET VACATIONS
HIGHWAY NO. 2 TO PINE LAKE ROAD**

PARCEL # 14

**ADJACENT TO OUTLOT E, APPIAN WAY REGIONAL CENTER
PHASE 2, 2ND ADDITION**

A TRACT OF LAND IN THE EXISTING SOUTH 84TH STREET RIGHT OF WAY ADJACENT TO OUTLOT E, APPIAN WAY REGIONAL CENTER PHASE 2, 2ND ADDITION, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., THENCE S 89°52'54" E, ASSUMED BEARING, ALONG THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 8.32 FEET TO THE EASTERLY EXISTING SOUTH 84TH STREET RIGHT OF WAY LINE AND THE BEGINNING OF A 585.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST AND THE POINT OF BEGINNING; THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°56'23", AN ARC DISTANCE OF 40.22 FEET, THE CHORD OF SAID CURVE BEARS S 24°53'43" E, A DISTANCE OF 40.22 FEET; THENCE N 79°35'14" E, A DISTANCE OF 45.08 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT E; THENCE N 00°52'06" E, ALONG THE WESTERLY LINE OF SAID OUTLOT E, A DISTANCE OF 28.21 FEET; THENCE N 02°12'02" E, ALONG THE WESTERLY LINE OF SAID OUTLOT E, A DISTANCE OF 71.45 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT E; THENCE N 87°47'58" W, A DISTANCE OF 109.03 FEET; THENCE S 32°11'45" E, ALONG THE EASTERLY EXISTING SOUTH 84TH STREET RIGHT OF WAY LINE, A DISTANCE OF 33.22 FEET TO THE BEGINNING OF A 585.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST; THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 5°19'51", AN ARC DISTANCE OF 54.43 FEET, THE CHORD OF SAID CURVE BEARS S 29°31'49" E, A DISTANCE OF 54.41 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS AN AREA OF 7,893.12 SQUARE FEET, 0.18 ACRES.

**84TH STREET VACATIONS
HIGHWAY NO. 2 TO PINE LAKE ROAD**

PARCEL # 15

**ADJACENT TO OUTLOT C, APPIAN WAY REGIONAL CENTER
PHASE 2, 2ND ADDITION**

A TRACT OF LAND IN THE EXISTING SOUTH 84TH STREET RIGHT OF WAY ADJACENT TO OUTLOT C, APPIAN WAY REGIONAL CENTER PHASE 2, 2ND ADDITION, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER SAID OUTLOT C, THENCE N 54°25'20" W, ASSUMED BEARING, A DISTANCE OF 155.38 FEET TO THE EASTERLY EXISTING SOUTH 84TH STREET RIGHT OF WAY LINE AND THE BEGINNING OF A 460.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST; THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 56°22'59", AN ARC DISTANCE OF 452.67 FEET, THE CHORD OF SAID CURVE BEARS S 00°49'59" W, A DISTANCE OF 434.63 FEET; THENCE S 62°38'30" W, ALONG THE EASTERLY EXISTING SOUTH 84TH STREET RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET TO THE BEGINNING OF A 465.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST; THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 4°50'15", AN ARC DISTANCE OF 39.26 FEET, THE CHORD OF SAID CURVE BEARS S 29°46'38" E, A DISTANCE OF 39.25 FEET; THENCE S 32°11'45" E, ALONG THE EASTERLY EXISTING SOUTH 84TH STREET RIGHT OF WAY LINE, A DISTANCE OF 102.97 FEET; THENCE S 87°47'58" E, A DISTANCE OF 109.03 FEET TO A CORNER OF SAID OUTLOT C; THENCE N 02°12'02" E, ALONG THE WESTERLY LINE OF SAID OUTLOT C, A DISTANCE OF 127.69 FEET; THENCE N 09°34'55" W, ALONG THE WESTERLY LINE OF SAID OUTLOT C, A DISTANCE OF 303.66 FEET; THENCE N 00°40'38" W, ALONG THE WESTERLY LINE OF SAID OUTLOT C, A DISTANCE OF 44.86 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS AN AREA OF 93,086.70 SQUARE FEET, 2.14 ACRES.

**84TH STREET VACATIONS
HIGHWAY NO. 2 TO PINE LAKE ROAD**

PARCEL # 16

**ADJACENT TO OUTLOT B, APPIAN WAY REGIONAL CENTER
PHASE 2, 2ND ADDITION**

A TRACT OF LAND IN THE EXISTING SOUTH 84TH STREET RIGHT OF WAY ADJACENT TO OUTLOT B, APPIAN WAY REGIONAL CENTER PHASE 2, 2ND ADDITION, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER SAID OUTLOT B, THENCE N 58°04'03" W, ASSUMED BEARING, A DISTANCE OF 125.63 FEET TO THE EASTERLY EXISTING SOUTH 84TH STREET RIGHT OF WAY LINE; THENCE S 29°01'29" W, ALONG THE EASTERLY EXISTING SOUTH 84TH STREET RIGHT OF WAY LINE, A DISTANCE OF 39.29 FEET; THENCE S 54°25'20" E, A DISTANCE OF 155.38 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT B; THENCE N 00°40'38" W, ALONG THE WESTERLY LINE OF SAID OUTLOT B, A DISTANCE OF 58.31 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS AN AREA OF 6,117.33 SQUARE FEET, 0.14 ACRES.

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April 14, 2005

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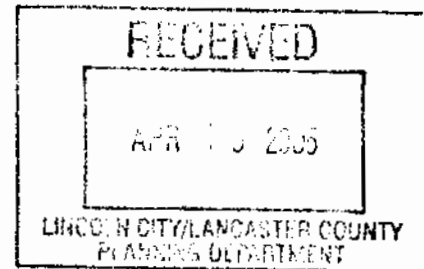
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HAND DELIVERED

Marvin Krout, Director
Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Vacation of Former South 84th Street
Our File No.: 15671.38723



Dear Mr. Krout:

As you will recall, on March 17, 2005, I filed a number of Petitions to vacate the public right of way of the former 84th Street from Pine Lake Road south. Attached hereto is a new Petition to vacate part of the right of way of former 84th Street together with appropriate attachments and an Information Sheet. This filing should be considered as part of the filing which I made on March 17, 2005.

The need for filing the attached Petition to Vacate Public Way came about as part of the review process of the original Petitions filed on March 17. John Egger of HWS and I met with Rick Peo in the City Attorney's office to review what appeared to City staff to be legal descriptions which needed revising. Mr. Egger revised those legal descriptions and we obtained a Title Certificate from Nebraska Title Company to reflect the abutting ownership.

The result is a Petition to Vacate Public Way with legal descriptions and parcel identifications attached, together with a diagram and a copy of the Title Certificate for Parcels 12, 13, 14, 15 and 16. The previous Petition to Vacate Public Way describing Parcels 12, 13 and 14 is hereby superseded by the attached Petition and ought to be discarded.

The reference that I made in the third paragraph of my March 17 letter regarding the issue that the vacated public right of way should be conveyed to abutting property owners at no cost due to the agreement between Eiger Corp. and the City of Lincoln remains pertinent.

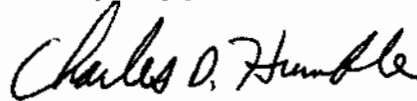
Marvin Krout, Director
Lincoln-Lancaster County Planning Department
Page 2
April 14, 2005

Likewise, the request contained in the fourth paragraph of my March 17 letter that the City ought to remove the remaining hard surfaced area of former south 84th Street and dispose of it at its cost and expense is also incorporated as part of this letter.

Please keep me apprised of the scheduling of the vacation of former south 84th Street to the Planning Commission.

If you have any questions, please don't hesitate to contact me at 476-1000. Thank you.

Very truly yours,

A handwritten signature in black ink that reads "Charles D. Humble". The signature is written in a cursive style with a large, stylized "C" and "H".

Charles D. Humble

CDH:rjj

Enclosures

c: Ernest R. Peo III
G. Thomas Evans
W. Michael Morrow, Esq.
Stanley and Grace Portsche
Bruce C. Brinkman

CHARLES THONE
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March 17, 2005

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HAND DELIVERED

Marvin Krout, Director
Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

MAR 17 2005

Re: Vacation of Former South 84th Street
Our File No.: 15671.38723

Dear Mr. Krout:

In connection with the vacation of the former 84th Street right of way from Pine Lake Road south, I represent a number of titleholders. Since several titleholders are involved, I checked with Rick Peo in the City Attorney's Office, who agreed with me that one application fee of \$125 is sufficient for this application. The fee is enclosed by check.

On behalf of Mid-America Union Conference Association of Seventh-Day Adventists, a Nebraska nonprofit corporation, Bruce C. Brinkman, a single person, I.A.T., LLC, a Nebraska limited liability company, and Eiger Corp., a Nebraska corporation, I hereby enclose Petitions to Vacate Public Way with legal descriptions attached, Information Sheets with legal descriptions and diagrams attached.

You will note on the Information Sheets that in answer to paragraph 8 that each applicant has indicated that it does not intend to purchase the vacated public way abutting their property. Each titleholder expects to be deeded that portion of the vacated public right of way abutting their property at no cost to them because of the agreement reached between Eiger Corp. and the City of Lincoln in the "Conditional Annexation and Zoning Agreement for S. 84th & Highway 2." In that Agreement, under "Right-of-Way and Land Exchanges," in exchange for the dedication of certain rights of way which were made by Eiger Corp. and Andermatt, L.L.C., the City agreed to vacate and transfer the rights of way described in said Petitions at no cost to the abutting property owners.

Marvin Krout, Director
Lincoln-Lancaster County Planning Department
Page 2
March 17, 2005

The titleholders described herein all join together in asking the City to remove the remaining hard surfaced area of former South 84th Street and dispose of the same at its cost and expense.

Please keep me apprised of the scheduling of the vacation of former South 84th Street to the Planning Commission. If you have any questions, please don't hesitate to contact me at 476-1000. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles D. Humble". The signature is fluid and cursive, with the first name "Charles" being the most prominent.

Charles D. Humble

CDH:rjj

Enclosures

c: G. Thomas Evans
W. Michael Morrow, Esq.
Stanley and Grace Portsche
Bruce C. Brinkman

M e m o r a n d u m

To: Greg Czaplewski, Planning Department

From: Byron Blum, Engineering Services

Subject: Vacation of Former South 84th Street Right-of-Way

Date: April 8, 2005

cc: Dennis Bartels
Randy Hoskins
Scott Opfer

There is existing 24" and 48" water mains in the area for proposed vacation. A permanent easement will need to be established for these water mains for future maintenance. The easement for the 24" water main should be the east 50' of the former 84th Street right-of-way between Pine Lake Road and Nebraska Highway 2. For the 48" water main south of Nebraska Highway 2, the entire proposed vacation area should be maintained for a permanent easement.

The information sheet from all the petitioners requests that the right-of-way be deeded to all petitioners at no cost based upon the 84th and Highway 2 conditional annexation and zoning agreement. Only the east side owner, Eiger Corporation, was party to this agreement and was the party that dedicated the right-of-way for relocated 84th Street. The west side was not party to this agreement and did not provide any dedication for 84th and therefore it is recommended that they pay appraised value for the property.

The cover letter indicates that the City should remove the existing street paving. This was not covered in the annexation agreement and the City, as part of the 84th Street project, will not remove the existing pavement. The removal of the pavement should be a cost of the parties acquiring the property. If the City is required to remove the pavement, the cost should be recovered from the future owners before title is conveyed.

The right-of-way south of Highway 2 should not be vacated to the extent shown on the exhibits. The vacation adjacent to Parcel 14 should be reduced to retain 70' of right-of-way east of the centerline of the new 84th Street paving. It is also recommended that the vacated right-of-way be replatted and that vehicular access to the new 84th Street, Eiger Drive, and Nebraska Highway 2 be relinquished.

Portions of the property to be vacated may have been purchased by the Nebraska Department of Roads. In the past, if they have purchased right-of-way, they have expected to be reimbursed with a vacation. It is recommended that they review this vacation prior to action being taken.



Rick Peo
<rpeo@ci.lincoln.ne.us
>

To: gczaplewski@ci.lincoln.ne.us, bwill@ci.lincoln.ne.us
cc:
Subject: street and alley vacation#05003-former S. 84th

04/14/2005 02:56 PM

The petitions to vacate as revised by petition filed by Charlie Humble on 4-14-05 are satisfactory . Ownership of abutting property has been confirmed. City has previosly agreed to convey vacated right of way without compensation as the new right of of way for 84th St was provided without compensation.